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 DATE FILED: 12/10/07

-----X
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
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INDEMNITY INSURANCE COMPANY
 OF NORTH AMERICA,

Plaintiff,

- against -

UNION PACIFIC RAILROAD COMPANY;
 NYK LINE (NORTH AMERICA) INC.;
 NIPPON YUSEN KAISHA (NYK LINE);
 JAGUAR FREIGHT SERVICES; JAGUAR
 FREIGHT SERVICES, INC.;
 BJ INTERNATIONAL, INC.;

Defendants.
 -----X

: 07 Civ. 8243 (RJH)

: **STIPULATION & ORDER**
OF DISCONTINUANCE

A settlement agreement having been reached, it is hereby stipulated and agreed that this action, including all cross-claims, is discontinued as to all parties pursuant to Rule 41 (a) (1)(ii) and (c) Federal Rules of Civil Procedure, with prejudice but with each party to pay its own costs and attorney fees.

It is further stipulated and agreed that, if the settlement funds are not paid within sixty (60) days of the entry of this order, this action will be restored to the active docket of the Court upon letter application of plaintiff's counsel.

Dated: New York, New York
 December 7, 2007

SO ORDERED:

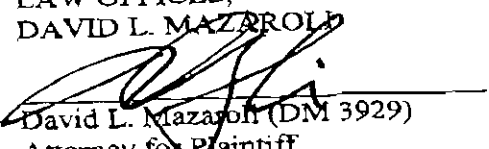
 UNITED STATES DISTRICT JUDGE

The Clerk is requested to close this case.


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Stipulation & Order of Discontinuance
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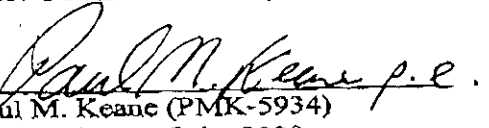
LAW OFFICES,
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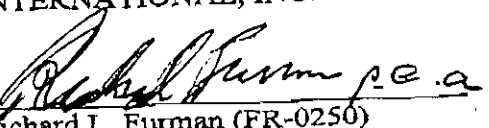
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